

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2930 of 1983

Date of decision: 14-8-96

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SOMABHAI MANGALBHAI PATEL

Versus

DIST PRIMARY EDUCATION OFFICER

Appearance:

MR HK SHAH for Petitioners
Mr. Nigam Shukla for Respondent No. 1
SERVED for Respondent No. 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 14/08/96

ORAL JUDGEMENT

The petitioners made challenge in this special civil application to the order of the respondents dated 25-5-1983 under which they have been transferred from Jhorapura to Sundalpura, Taluka Sanand. This court has

protected the petitioners by granting interim relief in their favour as prayed for in para 12(b) of the special civil application. In para 12(b) prayer has been made that the respondents may be restrained from implementing the order of transfer pending admission, final hearing and disposal of the special civil application. Thus the transfer order was not given effect for all these years and by lapse of time now it has become infructuous.

2. The special civil application is dismissed as having become infructuous. It is made clear that the order of transfer impugned in this special civil application shall to be given effect to. However, respondent No.1 shall be at liberty either to pass fresh order of transfer of petitioners if it is considered necessary in the exigencies of administration. Subject to the aforesaid observations rule discharged.

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